

Application No.: 09/911950

Case No.: 56352US002

Remarks

Claims 1 - 10, and 12 - 37 are pending. Claim 11 has been canceled. Claims 1, 12, and 33 are amended.

Claim 1 is amended to include the features of claim 11. Support for the amendment may be found, for example, in previous Claim 1 and original claim 11.

Support for the amendment to claim 12 may be found, for example, in the specification at page 3 lines 15-20 and in original claim 12.

Claim 33 has been amended to correct an obvious typographical error.

Claim Objections

Claim 13 stands objected to because it recites the limitation "the optical fiber" which the Patent Office asserts lacks antecedent basis, since Claim 12, on which it depends, claims one of an optical fiber and a lens, not both.

It is submitted that the amendment of Claim 12 overcomes the objection. Withdrawal of the objection is requested.

§ 102 Rejections

Claims 1-5, 7-10,12,16,18,21,28,29 and 37 stand rejected under 35 U.S.C. 102(b) as being anticipated by US 6,007,208 (Dickensheets et al).

Regarding claim 1, the Patent office asserts that Dickensheets et al. disclose a package for optical micro-mechanical devices comprising: one or more optical micromechanical devices on a first surface of a die, the first surface of the die including a die reference surface; a package frame comprising an aperture and a first surface of the package frame comprising a package frame surface (bottom surface) proximate the aperture, wherein the package frame reference surface is adapted to allow the die reference surface to be mounted to the package frame reference surface such that the optical micromechanical devices are located in the aperture; one or more optical interconnect alignment mechanisms formed in the first surface of the package frame, terminating adjacent to the aperture and positioned relative to an optical interface reference plane; and distal ends of one or more optical interconnects located in the optical interconnect alignment mechanisms and optically coupled with one or more of the optical micromechanical devices.

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Without agreeing to the Patent Office's characterization of Dickensheets or that the rejection is even proper, Applicants note that claim 1 has been amended to include the features of allowable claim 11 and is therefore patentable. Claims 2-5, 7-10,12,16,18,21,28,29 and 37 depend from patentable claim 1 and are therefore also patentable.

The rejection of claims 1-5, 7-10,12,16,18,21,28,29 and 37 under 35 USC § 102(b) as being anticipated by Dickensheets et al. has been overcome and should be withdrawn.

§ 103 Rejections

Claims 19, 22, 27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickensheets et al.

Without agreeing to the Patent Office's characterization of Dickensheets et al. or that the rejection is even proper, Applicants note that claim 1 has been amended to include the features of allowable claim 11 and is therefore patentable. Claims 19,22, 27 and 30 depend from patentable claim 1 and are therefore also patentable.

The rejection of claims 19, 22, 27, and 30 under 35 USC § 102(a) as being as being unpatentable over Dickensheets et al. has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

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Respectfully submitted,

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